

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:08CR92
)	
vs.)	ORDER
)	
ADAM SCHMID,)	
)	
Defendant.)	

This matter is before the court on the motion to continue by defendant Adam Schmid (Schmid) (Filing No. 38). The motion seeks a continuance of the trial scheduled on August 25, 2008. In his motion, Schmid's counsel states he was not retained until August 6, 2008. However, counsel entered his appearance in this matter on July 17, 2008 (Filing No. 36). Furthermore, counsel requested a continuance of the trial at that time (Filing No. 35). That motion was contingently granted pending the filing of an affidavit by Schmid on or before July 25, 2008 (Filing No. 37). As of this date, no such affidavit was filed. No affidavit was filed with this second motion to continue trial. Accordingly, the motion to continue trial (Filing No. 38) is denied.

IT IS SO ORDERED.

DATED this 21st day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge